



AGRICULTURAL ADVISORY COMMITTEE

February 22, 2013

The Honorable Roger Berliner
Chair, T & E Committee
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Council Member Berliner:

Bill 41-12 Streets and Roads-Roadside Trees-
Protections and Bill 35-12 Tree Canopy
Conservation

On February 19, 2013 the Montgomery County Agricultural Advisory Committee-AAC met and they discussed Bill 41-12 Streets and Roads-Roadside Trees-Protections and Bill 35-12 Tree Canopy Conservation. The AAC approved this letter to be submitted for discussion as part of the February 25, 2013 T & E Committee Work Session that I will be attending on behalf of the AAC.

As Chair of the AAC, I want to thank you for scheduling the February 6, 2013 meeting in your office for leaders of the agricultural community to discuss these tree related bills and the suggested amendments recommended by the agricultural community.

As a follow up to the February 6, 2013 meeting the amendments to the tree related bills were submitted for further consideration as outlined below:

Street Tree Bill 41-12 The AAC is encouraged that after further review, Council Staff recommends the County could exclude prescriptive rights-of-way from the Bill. The AAC does not see this recommended exclusion in the Bill as we have previously recommended below:

74 (b) Applicability; Exceptions.

75 (1) The following activities do not require a right-of-way and roadside tree work permit:

76 (A) cutting and clearing a prescriptive right-of-way or other roads in the rural and agricultural regions of the County.

The AAC is concerned about the tree planting policies of the County that result in new trees planted directly under the power lines which will require future management and future costs to the County. The pictures in the links on the next page show the recently completed Skylark Road in October 2011 and the maple trees planted along the road directly under the power lines. The AAC recommends that the County Council needs to amend the regulations for tree planting

in accordance with the development and subdivision regulations to prevent trees planted like these in the future.

<http://www6.montgomerycountymd.gov/content/ded/agsservices/images/treetrimming/tree1.jpg>
<http://www6.montgomerycountymd.gov/content/ded/agsservices/images/treetrimming/tree2.jpg>

Tree Canopy Conservation Bill 35-12 The Department of Environmental Protection staff stated during the January 28, 2013 work session that the Bill will not impact agricultural uses and activities. The AAC does not believe the proposed bill leads the reader to this conclusion and we recommend the bill should be amended as outlined below:

120 55-5. Exemptions.

121 This Chapter does not apply to:

122 (a) any [tree nursery activity] agricultural activity performed with an approved Soil

123 Conservation and Water Quality Plan as defined in Section 19-48;

The AAC thanks the members of the County Council T & E Committee for this opportunity to present the recommended amendments to the tree related bills. I will be attending the Committee Work Session on Monday in case you have any questions.

Sincerely,



David Weitzer, Chairman